IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SIXTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 215 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30/04/2003 in WP No. 7846 OF 2003 on the file of the High Court.)

Between:

Mrs.Afzalunissa Begum, w/o Mohd.Mouzzam Ali,
r/o 10-2-339/A, Mallepally Cross Roads, Hyderabad.

..... APPELLANT

AND

1. The Assistant City Planner, Circle No.4, MCH, Khairatabad, Hyderabad-4.
2. The Municipal Corporation of Hyderabad, per its Commissioner cum Special Officer, Municipal Complex, Tank Bund Road, Hyderabad.

.....RESPONDENTS

Counsel for the Appellant: Mr. P.RAM SHAH

Counsel for the Respondents: Mr. RAMA RAO GHANTA

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The Appeal is against the order passed by the learned Single Judge disposing of the Writ Petition filed by the appellant with the direction that was given in **M.Madhavi Latha v. Rajendranagar Municipality,** and directing status quo as on the date of the order to be maintained. The appellant still felt aggrieved against the said direction and wants that action of respondents in preparing a motivated plan showing less area belonging to the petitioner-appellant as to be acquired instead of depicting therein the correct area, which is likely to be taken over by the respondents to be set aside with direction to prepare a fresh plan of actual area to be acquired.

On an earlier occasion, when the petitioner-appellant apprehended her being displaced from the property, Writ Petition No. 12303 of 2001 was filed, which was disposed of on 21.6.2001 by following the decision of a Division Bench of this Court in Writ Petition No. 21198 of 1997, decided on 3.2.1998, thereby, holding that the respondent-Corporation cannot demolish the existing structures without following due process of law and without paying the compensation to the appellant either in accordance with law, or, on negotiated settlement.

Now, the grievance of the appellant is that the municipal authorities have prepared some plan, whereby, the correct area to be taken over has not been shown and lesser area has been shown. Thus, it is a motivated plan. Therefore, direction is sought to declare the action of the respondents in preparing the said plan as illegal and motivated and set aside the same with direction to prepare the correct plan.

Admittedly, there are no proceedings as of now and they are yet to be taken out by the respondents under the relevant provisions of law seeking to acquire the area intended to be taken-over. Obviously, the Land Acquisition Act, 1894, under which property can be acquired, is a self-contained Code, which takes care of every grievance, which can be made by a person interested as regards the amount of compensation, area to be acquired, its measurement etc., and, in case, a wrong plan is prepared by the authorities showing lesser area, objections can be raised by the person interested even for the area to be acquired and its measurements, and, in case person interested would not feel satisfied with the award to be passed in those proceedings, reference can be sought to the Court wherein objections can be raised not only with regard to the compensation, but as regards the area and its measurement also. Not only that, when an area is notified, opportunity is given to the person interested to file objections of whatever nature, and, as and when such

objections are filed, of course, they will be decided. That stage has not yet arisen. As such, we see no reason to interfere in the order passed by the learned Single Judge. The Writ Appeal, therefore, is dismissed.

_____

DEVINDER GUPTA, C.J.

16.2.2005.

_____

B.SESHASAYANA REDDY, J.

VR.

To

1. The Assistant City Planner, Circle No.4, MCH, Khairatabad, Hyderabad-4.
2. The Municipal Corporation of Hyderabad, per its Commissioner cum Special Officer, Municipal Complex, Tank Bund Road, Hyderabad.

3. Two CD copies.